

REMARKS

The recognition of allowable subject matter in claims 2-9 and 13-16 is noted with appreciation. All of the claims (claims 2, 6, 7, 8, and 17) that lacked the term “pivot” have now been amended to add the term “pivot.” These claims are therefore believed to be in condition for allowance. Favorable consideration is requested.

AMENDMENT PRESENTING CLAIM 17 IN BETTER FORM FOR CONSIDERATION ON APPEAL UNDER RULE 116

Claim 17 was newly added in the last amendment. The present amendment which places claim 17 in better form for appeal should be entered in that the amendment could not have been made earlier since applicant was unable to know that claim 17 as originally presented would be deemed confusing by the Examiner. Rule 116 provides that:

“Amendments --- may be admitted upon showing of good and sufficient reason why they are necessary and where not earlier presented.”

Claim 17 has now been amended in order to render the phrase “said lock defining a holder” no longer confusing as stated in the Official Action. Favorable consideration and entry of the amendment without objection under Rule 116 which approves amendments when, as here, there is a showing of good and sufficient reason why they were not presented earlier.

The sentence of the application bridging pages 46 and 47 states: “the releasable locking pivot 718 enables the arm 714 to be pivoted up and down and releasably held in any one of several selected positions, *e.g.*, raised to an angle of, say, 45 degrees above the horizontal as shown at 720 in Figure 39, lowered to a horizontal position (not shown) or lowered further to a

vertical downwardly extending position as shown in solid lines in Figure 39” (emphasis supplied).

Claim 17 as amended now includes in part:

- an arm for fishing pivotally connected to the bracket by a pivot,
- a releasable lock as a part of the pivot enabling the arm to be pivoted up or down about said pivot. (emphasis supplied)
- the pivot will thereby releasably hold the arm at one of a plurality of angles about said pivot,
- the pivot adjustably supporting the arm in any of a plurality of selected positions about an axis of said pivot,
- said lock thereby defining a releasable holder at the pivot for supporting the arm and a fishing reel or other sporting article mounted on the arm to hold the arm by means of the pivot in a vertical position or in a selected angle of inclination about said pivot. (emphasis supplied)

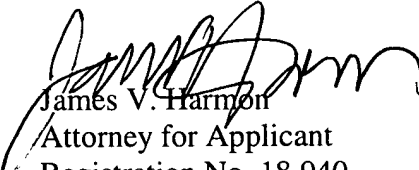
As amended, claim 17 is believed to be no longer confusing since the means by which the lock is releasably held for supporting the arm is described clearly and concisely and in sufficient detail to enable a person skilled in the art to make and use the invention. In addition, the provision in the claim for:

“a releasable lock as a part of the pivot enabling the arm to be pivoted up or down about said pivot such that the pivot will releasably hold the arm at one of a plurality of angles about said pivot for adjustably supporting the arm in any of a plurality of selected positions about an axis of said pivot”

clearly distinguishes the invention from Williams who makes no suggestion whatsoever for holding the arm at the pivot but instead provides a curved plate 84 far out at the free end of the bracket member 12 (not at the pivot) with a curved slot 86 to hold the bracket member 12 by rotating a nut 82 against the plate 84. Consequently, contrary to the statement in the Official Action, the Williams nut lock 82 is clearly not part of the pivot as claimed. As already noted in the Lindemann case cited earlier, it is settled law that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention arranged as in the claim (emphasis supplied). Since neither the claimed elements are there nor are they arranged as in the claim, claim 17 as amended should clearly be allowable under current law.

Favorable consideration and the allowance of all uncanceled claims is therefore believed to be in order and is respectfully requested.

Respectfully submitted,

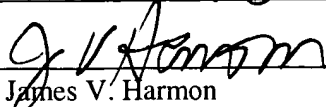

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